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In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: John M. Davidson

Application No. **09/726,766**

Atty. Docket No: 020533.0340 (2001P21477US)

Filed: 11/29/2000

Title: **METHOD AND APPARATUS FOR TUNNELED COMMUNICATION IN AN ENTERPRISE NETWORK**

Examiner: Philip C. Lee

Art Unit: 2152

➔ **FACSIMILE ATTN TO: Philip C. Lee**

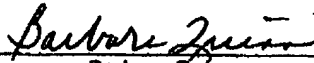
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RESPONSE TO EXAMINER'S ANSWER

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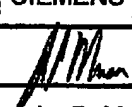
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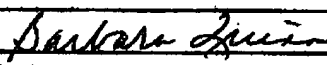
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/726,766	
	Filing Date	November 29, 2000	
	First Named Inventor	John M. Davidson	
	Art Unit	2152	
	Examiner Name	Philip C. Lee	
Total Number of Pages in This Submission	7	Attorney Docket Number	020533.0340 (2001P21477US)

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Attorney Docket No. 020533.0340 (2001P21477US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	John M. Davidson et al.)	
)	Group Art Unit: 2152
Serial No.:	09/726,766)	
)	Examiner: Philip C Lee
Filed:	November 29, 2000)	
Title:	METHOD AND APPARATUS FOR TUNNELED COMMUNICATION IN AN ENTERPRISE NETWORK		

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPELLANTS' REPLY BRIEF

Pursuant to 37 C.F.R. § 1.193(b), this Reply Brief is responsive to the Examiner's
Answer mailed November 17, 2006. Appellants reply as follows:

Serial No. 09/726,766

Atty. Doc. No. 020533.0340 (2001P21477US)

1. May and Shukla fails to teach or suggest encapsulating a point-to-point signal (PPP) within a network address header.

Those skilled in the art would quickly and readily understand that adding the fixed length header to the data before transmitting to the next layer teaches *encapsulating the data within the header* and does not teach *encapsulating the header within the data* as contended by the Examiner.

Furthermore, the Examiner argues that since May teaches PPPoE that this means a PPP signal is encapsulated within another header. Applicants respectfully submit that those skilled in the art would quickly and readily understand that PPPoE is a form a PPP specifically for Ethernet (the physical layer) [May 0048] and conforms to the OSI model as do other PPP signals bound with the physical layer such as PPPoA.

2. Araujo fails to teach or suggest a tunneling server operable to identify the network address request header

The Examiner has failed to identify where or how the cited art suggests or motivates one skilled in the art to modify Araujo's identification of a Layer 2 Tunneling Protocol (L2TP) to an identification of a network address request header. "The prior art must suggest the desirability of the claimed invention" MPEP 2143.01 I.

As detailed in the Appeal Brief, the Examiner has essentially reengineered the prior art in a technically nonsensical manor by modifying Araujos L2TP header to a network address request header. Applicants respectfully submit that those skilled in the art would quickly and readily understand that the L2TP header is at a low layer (e.g., link layer) of the OSI model where as network address response header is at a higher layer (e.g. application layer) of the OSI model and thus, Araujo's RAS would unnecessarily require additional processing of each OSI layer to finally identify the network address request header instead. "The proposed modification cannot render the prior art unsatisfactory for its intended purpose" MPEP 2143.01 V.

3. Araujo fails to teaches or suggests to remove the network address request header

The Examiner contends that since the RAS is operable to look into the bytes of the data after the header in a cell (col 13, lines 43-44) that the header must first be removed. It would be

Serial No. 09/726,766

Atty. Doc. No. 020533.0340 (2001P21477US)

quickly and readily understood by those skilled in the art that data may be looked at without removing the header, for example, by using the size of the header as an index to look at the data.

4. Araujo fails to teach or suggest encapsulating the PPP signal within a network address response header.

The Examiner states "Araujo teaches the RAS prepended L2TP multiplexing header ... to PPP frames (col. 13, lines 34-36). This means that RAS is encapsulating (prepending) a header to the PPP signal". Those skilled in the art quickly and readily recognize that a L2TP cannot be reasonable construed as a network address response header.

Furthermore, the Examiner has failed to identify where or how the cited art suggest or motivates one skilled in the art to modify Araujo's L2TP header to a network address response header. "The prior art must suggest the desirability of the claimed invention" MPEP 2143.01 VI.

Finally, the Examiner has failed to identify how the combination would enjoy a reasonable probability of success. Encapsulating the PPP within a L2TP header conforms to the OSI model, whereas Applicants encapsulating the PPP signal within a network header address response header does not conform to the OSI model. As detailed in the Appeal Brief, the Examiner has essentially reengineered the prior art in a technically nonsensical manor. Those skilled in the art would quickly and readily understand by making the modification proposed by the Examiner to encapsulate the PPP frames within a network address response header would cause the receiving devices to reject the message without making modifications at the receiving devices.

5. Singhal fails to teach or suggest a PPP signal comprising a payload information that is applied to an application at the second client, the PPP signal encapsulated within a network address response header

MPEP 2143 requires that "to establish a prima facie case of obviousness. . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations." The Examiner has failed to identify where the prior art references teach or suggest the claim limitations that the PPP signal is encapsulated within a network address *response* header and the payload is applied to the *second client*. Therefore, the rejection is improper.

Serial No. 09/726,766

Atty. Doc. No. 020533.0340 (2001P21477US)

Moreover, Applicants respectfully submit that Singhal teaches that a DHCP response includes a payload with an IP address applied to the *first client* (col. 9 lines 20-25). In contrast, Applicants claim that first client issues the request but the payload is applied to the *second client*. Applicants respectfully submit that a first client issuing the request cannot be reasonably considered a second client not issuing the request.

Furthermore, the Examiner states that the DHCP *request* includes a payload which is used to create an AUL registry at the Core Server. The DHCP *request* is issued by a first client, received by the HMP and forwarded to the Core Server (see e.g., FIG 6). Applicants respectfully submit that a request cannot be reasonably considered a response and a Core Server cannot be reasonably considered a second client.

6. Singhal fails to teach or suggest a first PPP signal comprising a payload including at least a portion of an application installed on the second client.

MPEP 2143 requires that "to establish a prima facie case of obviousness. . . the prior art reference (or references when combined) must teach or suggest all the claim limitations." The Examiner has failed to identify where the prior art references teach or suggest the claim limitations that the PPP signal is encapsulated within a network address *response* header and the payload is applied to the *second client*. Therefore, the rejection is improper.

Serial No. 09/726,766

Atty. Doc. No. 020533.0340 (2001P21477US)

Conclusion

For the foregoing reasons, Applicants respectfully submit that the rejections set forth in the final Office Action are inapplicable to the pending claims. The honorable Board is therefore respectfully requested to reverse the final rejection of the Examiner and the remand the application to the Examiner with instructions to allow the pending claims. Please grant any extensions of time required to enter this paper. Please charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 1/16/07

By: 

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